

REMARKS

By this Amendment, Applicants amend claims 1, 5, 12, 22, and 23 and add claims 25-28. Accordingly, claims 1-28 are pending in this application. Applicants also amend the specification to correct informalities.

Applicants appreciate the courtesies extended to Applicants' representative by Examiner Brockett in the June 3 personal interview. Applicants incorporate a separate record of the substance of the interview into the following remarks.

Applicants gratefully acknowledge Examiner Brockett's indication that claims 5-7 and 11-23 would be allowable if rewritten to include the features of the base claim and any intervening claims. As discussed during the personal interview, Applicants amend claims 5, 12, 22, and 23 into independent form. Thus, as agreed to during the personal interview, claims 5, 12, 22, and 23 and claims 6, 7, 11, and 13-21, which respectively depend from claims 5 and 12, are allowable.

The Office Action alleges that the Information Disclosure Statement (IDS) filed February 22, 2002 does not comply with 37 C.F.R. § 1.98(a)(3) for failing to provide a concise explanation of the relevance of each non-English reference. Specifically, JP 53-143500 and JP U 63-89141 were not considered. As discussed during the personal interview, the non-considered references were properly cited in the International Search Report enclosed with the February 22, 2002 IDS, as Laid-open Japanese Utility Model Application 143500/1978 and Laid-open Japanese Utility Model Application 89141/1988, respectively. Therefore, as agreed during the personal interview, Applicants provided a concise explanation of their relevance consistent with 37 C.F.R. § 1.98(a)(3). A copy of the International Search Report is attached (Appendix A). Applicants respectfully request that the references be considered.

The Office Action objects to Figure 1 under MPEP §608.02(g). During the personal interview, Applicants proposed amending Figure 1 to include a legend "background art," consistent with the section of the specification in which Figure 1 is described. During the personal interview Examiner Brockett approved the proposed amendment to Figure 1. Thus, Applicants submit a formal replacement Figure 1 incorporating the approved amendment in a separate Letter to the Official Draftsperson.

The Office Action objects to the specification for informalities. As discussed, during the personal interview, Applicants amend the specification to correct the informalities. As a result, Applicants respectfully request that the objection be withdrawn.

The Office Action rejects claims 1-4, 8-10 and 24 under 35 U.S.C. §102(b) over EP 0848226 A2 to Fujimoto. Applicants respectfully traverse the rejection.

The Office Action alleges that filter 255 disclosed in Fujimoto is equivalent to Applicants' claimed light-proof member. As discussed during the personal interview, the purpose of filter 255 in Fujimoto is to allow infrared radiation to pass through (col. 6, lines 1-4). Light may be defined as electromagnetic radiation of any wavelength (American Heritage College Dictionary 3ed. 784). As such, because infrared light may pass through filter 255 in Fujimoto it can not be considered a light-proof member.

Furthermore, as agreed during the personal interview, no other part of the housing in Fujimoto is disclosed as being light proof. Thus, as shown in Figs. 2-5 light may pass through the such non-light proof portions and become incident on the imaging device 251.

Finally, as agreed during the personal interview, at the very least, light may enter via hole 254a and become incident on the imaging device 251 (col. 6, lines 17-19 and Figs. 4 and 5).


Thus, as agreed during the personal interview, Fujimoto does not disclose a light-proof member that is provided in the indicator body and completely covers the lens and the optical sensor in such a manner that external light other than light from the light-incident aperture is not incident on the lens and the optical sensor, as recited in claim 1.

Therefore, claim 1 is patentable over Fujimoto. Further, claims 2-4, 8-10 and 24 are patentable at least in view of the patentability of claim 1 from which they depend, as well as for the additional features they recite. Accordingly, Applicants respectfully request withdrawal of the rejection.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of claims 1-28.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite Examiner Brockett to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:
Appendix A

JAO:JOC/tea

Date: June 22, 2004

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DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
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APPENDIX A

INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP01/05500

A. CLASSIFICATION OF SUBJECT MATTER
Int.Cl⁷ G06F 3/037, A63F 13/04

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
Int.Cl⁷ G06F 3/03-3/037, G06K 11/08, A63F 13/04

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Jitsuyo Shinan Koho 1922-1996 Toroku Jitsuyo Shinan Koho 1994-2001
Kokai Jitsuyo Shinan Koho 1971-2001 Jitsuyo Shinan Toroku Koho 1996-2001

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	JP 10-165642 A (Konami Co., Ltd.), 23 June, 1998 (23.06.98), column 5, lines 14 to 36; Figs. 2, 4 & EP 848226 A2 column 5, line 47 to column 6, line 28; Figs. 2, 5	1-4, 8-10, 24 5-7, 11-23
A	JP 8-294582 A (Taito Corporation), 12 November, 1996 (12.11.96), column 5, lines 30 to 39; Fig. 2 (Family: none)	1-24
A	JP 63-288182 A (Mattel Inc.), 25 November, 1988 (25.11.88), page 9, upper right column, lines 1 to 8; Fig. 8 & US 4844475 A column 8, lines 12 to 19; Fig. 8	1-24
A	Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 49294/1977 (Laid-open No. 143500/1978), (Tohoku Munekata K.K.), 13 November, 1978 (13.11.78), page 3, lines 1 to 11; Fig. 2 (Family: none)	1-24

☒ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier document but published on or after the international filing date	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&" document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means	
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search
25 September, 2001 (25.09.01)

Date of mailing of the international search report
16 October, 2001 (16.10.01)

Name and mailing address of the ISA/
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP01/05500

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 5-177059 A (Nintendo Co., Ltd.), 20 July, 1993 (20.07.93), column 5, lines 40 to 50; Fig. 7 (Family: none) & US 5340115 A column 5, lines 26 to 37; Fig. 7 & FR 2685648 A & DE 4244349 A	1-24
A	GB 2160298 A (Ferranti PLC), 18 December, 1985 (18.12.85), page 3, lines 3 to 19; Fig. 2(b) & US 4619616 A & DE 3521078 A	1-24
A	Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 183681/1986 (Laid-open No. 89141/1988), (Alps Electric Co., Ltd.), 10 June, 1988 (10.06.88), page 4, line 16 to page 5, line 11; Fig. 8 (Family: none)	1-24